

REMARKS

In reviewing this application subsequent to allowance applicants noted an omission in new claim 28. Specifically, the claim omits two "provisos" in the last section. The first added disclaimer is included in the claim in order to exclude compound numbers 13-14 of Shinagawa et al while the fifth disclaimer is added to exclude compound 18 of Shinagawa et al.

In the remarks portion of the amendment filed August 7, 2001, page 12 last three paragraphs I mentioned that these disclaimers were part of new claim 28, however, inadvertently these provisos were not included in the text of claim 28.

It is proposed now to include these two provisos to accomplish the objective stated in the amendment and response of August 7, 2001.

No new matter is involved and this will not require an additional search on the examiner's part.

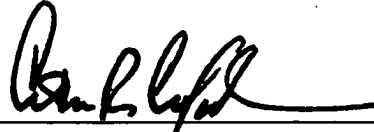
Entry of this amendment is solicited.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached pages are captioned "**Version With Markings To Show Changes Made.**"

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____



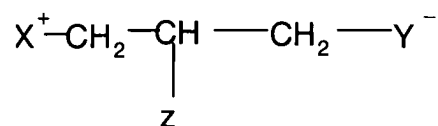
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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS

28. (Amended) A compound of formula (I)



wherein: X^+ is $N^+(R_1, R_2, R_3)$, wherein

R_1, R_2, R_3 , being the same or different, are selected in the group consisting of hydrogen, a C_1 - C_9 straight or branched alkyl group, $-CH=NH(NH_2)$, $-NH_2$, and $-OH$; or one or more R_1, R_2 and R_3 , together with the nitrogen atom which they are linked to, form a saturated or unsaturated, monocyclic or bicyclic heterocyclic system; with the proviso that at least one of the R_1, R_2 and R_3 is different from hydrogen;

Z is selected from

$-OR_4$,

$-OCOOR_4$,

$-OCONHR_4$,

$-OCSNHR_4$,

$-OCSOR_4$,

$-NHR_4$,

$-NHCOR_4$,

-NHCSR₄,
-NHCOOR₄,
-NHCSOR₄,
-NHCONHR₄,
-NHCSNHR₄,
-NHSOR₄,
-NHSONHR₄,
-NHSO₂R₄,
-NHSO₂NHR₄, and
-SR₄,

wherein -R₄ is a C₁-C₂₀ saturated or unsaturated, straight or branched alkyl group, optionally substituted with an A₁ group, wherein A₁ is selected from the group consisting of a halogen atom, or an aryl, heteroaryl, aryloxy or heteroaryloxy group, said aryl, heteroaryl, aryloxy or heteroaryloxy groups being optionally substituted with one or more C₁-C₂₀ saturated or unsaturated, straight or branched alkyl or alkoxy group and/or halogen atom;

Y⁻ is selected from the group consisting of -COO⁻, PO₃H⁻, -OPO₃H⁻, tetrazolate-5-yl;

with the proviso that when Z is -NHCOR₄, Y is -COO⁻, then R₄ is C₂₀ alkyl;

with the proviso that when Z is -NHSO₂R₄, Y⁻ is -COO⁻, then R₄ is not tolyl;

with the proviso that when Z is -NHCOOR₄, Y is -COO, then R₄ is not CH₃ and C₆H₅CH₂;

with the proviso that when Z is -NHR₄, Y is -COO, then R₄ is not CH₃,

with the proviso that when Z is -NHR₄, X⁺ is trimethylammonium and Y⁻ is -COO⁻, then R₄ is not C₁-C₆ alkyl,

their (R,S) racemic mixtures, their single R or S enantiomers, or their pharmaceutically acceptable salts .